

Notice of Allowability

Application No.

10/601,430

Examiner

Darren W Gorman

Applicant(s)

ERICKSEN ET AL.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 23 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/06/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Craig J. Madson on October 12, 2004.

The application has been amended as follows:

In the specification:

On page 12, line 22, [88] has been changed to --92--.

On page 12, line 24, [93] has been changed to --92--.

In the claims:

In claim 10, on line 3, --member-- has been inserted between "joint" and "being"

In claim 23, on line 1, [further comprising forming a] has been changed to --wherein the--

In claim 23, on lines 1-2, --is-- has been inserted between "protrusion" and "positioned"

In claim 24, on line 1, [further comprising forming a] has been changed to --wherein the--

In claim 24, on lines 1-2, --is-- has been inserted between "protrusion" and positioned"

In claim 25, on line 1, [further comprising forming a] has been changed to --wherein the--

In claim 25, on lines 1-2, --is-- has been inserted between "protrusion" and positioned"

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Allowable Subject Matter

2. Claims 1-27 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, did not teach or fairly suggest an adjustable sprinkler riser including a protrusion positioned on the outer telescoping member, the protrusion being engaged by the first joint member when the first joint member is secured to the second joint member, and the protrusion preventing the engagement end of the first joint member from extending to the proximal end of the outer telescoping member, together with the other claimed limitations as set forth in claims 1 and 9.

The prior art, alone or in combination, did not teach or fairly suggest a method of manufacturing an adjustable sprinkler riser including the step of attaching a first threaded interface to a distal end of the outer telescoping member, wherein a range of motion of the first joint member relative to the outer telescoping member is bounded by the first threaded interface and a protrusion on the outer telescoping member, together with the other claimed method steps as set forth in claim 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents to Trickey, Sanford, Cole et al., Kunsman, and Bedford, are cited as of interest.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 703-306-4205. The examiner may be reached at the above telephone number until November 18, 2004 and may be reached at (571) 272-4901 after November 18, 2004. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman
Examiner
Art Unit 3752

DWG 10/12/04
DWG
October 12, 2004


David A. Scherbel
Supervisory Patent Examiner
Group 3700